

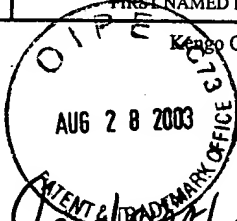


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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/875,369      | 06/05/2001  | Kengo Ochi           | 2309/OJ434          | 7467             |

.7590 08/12/2003  
DARBY & DARBY P.C.  
805 Third Avenue  
New York, NY 10022



DUE: September 12 2003  
Docketed on 8/20 by ELB for  
Docketed without file ☐  
Attorney DG

EXAMINER

SMITH, KIMBERLY S

ART UNIT PAPER NUMBER

3644

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                          |                        |                     |  |
|--------------------------|------------------------|---------------------|--|
| <b>Interview Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                          | 09/875,369             | OCHI ET AL.         |  |
|                          | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                          | Kimberly S Smith       | 3644                |  |

All participants (applicant, applicant's representative, PTO personnel):

(1) Kimberly S Smith.

(3) Diana Goldenison.

(2) Charles Jordan.

(4) \_\_\_\_\_.

Date of Interview: 06 August 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: all.

Identification of prior art discussed: Sasahara (JP 11-032608), McPherson et al. (US 6,405,677).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Kim Smith  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: the majority of the interview related to the 112 First Paragraph rejection regarding "alpha-starch" not pertaining to a defined, art-recognized term. The applicant is submitting further documentation in response to the rejection to strengthen the statement regarding "alpha-starch" being an art recognized term. The McPherson reference was discussed relating to teaching away from the instant invention. The applicant's representative stated that the alpha starch of the instant application is used to adhere the skin layer to the core layer and not to other particles of litter as disclosed in the prior art of McPherson. The applicant's representative is submitting arguments in response to the office action regarding this point..

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\*\*\* TX REPORT \*\*\*  
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ATTORNEY DOCKET NO.: 2309/0J434DATE: August 6, 2003**TELECOPIER TRANSMISSION COVER SHEET**NUMBER TRANSMITTING TO: (703)305-7687TO: **United States Patent and Trademark Office**ATTN: Examiner: Kimberly S. Smith, and Charles T. JordanGRP ART UNIT: 3644FROM: Dianna Goldenson, Esq. (212)527-7779PAPER(S) BEING TRANSMITTED: Examiner Interview Summary Record (3 pgs.)

NO. OF PAGES (INCLUDING COVER SHEET): 4

COMMENTS:

**CERTIFICATION OF FACSIMILE TRANSMISSION**Serial No.: 09/875.369Filed: June 5, 2001

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Tel: (212) 527-7700  
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ATTORNEY DOCKET NO.: 2309/0J434

DATE: August 6, 2003

**TELECOPIER TRANSMISSION COVER SHEET**

NUMBER TRANSMITTING TO: (703)305-7687

TO: **United States Patent and Trademark Office**

ATTN: Examiner: Kimberly S. Smith, and Charles T. Jordan

GRP ART UNIT: 3644

FROM: Dianna Goldenson, Esq. (212)527-7779

PAPER(S) BEING TRANSMITTED: Examiner Interview Summary Record (3 pgs.)

NO. OF PAGES (INCLUDING COVER SHEET): 4

COMMENTS:

**CERTIFICATION OF FACSIMILE TRANSMISSION**

Serial No.: 09/875,369

Filed: June 5, 2001

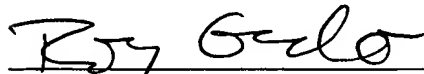
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Robyn Guido

Name

August 6, 2003

Date

  
\_\_\_\_\_  
Signature

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I hereby certify that this paper or, if this paper is a transmittal letter, every other paper or fee referred to therein, is being facsimile transferred to the Commissioner for Patents, at the United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below

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8/6/2003 Robyn Guido  
Date Name  
Robyn Guido  
Signature

Customer No.: 07278

Docket No: 2309/OJ434

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/875,369 Art Unit: 3644  
Applicant : Kengo OCHI; Takeshi IKEGAMI  
Filed : June 5, 2001 Examiner: SMITH, Kimberly S.  
Title : ANIMAL EXCRETIONS-TREATING MATERIAL CAPABLE OF BEING  
DISPOSED OF IN FLUSH TOILETS

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EXAMINER INTERVIEW SUMMARY RECORD

This is a summary of the Examiner Interview held by telephone conference on August 6, 2003 where the participants were Charles Jordan, Kimberly Smith, Adda Gogoris, and Dianna Goldenson.

### Remarks

Agreement was reached with respect to the term " $\alpha$ -starch" not being a trade name. Therefore, whether this term is a trade name is no longer an issue.

Tentative agreement was reached with respect to the rejections under 35 U.S.C. § 112. The Examiners stated that if Applicants' forthcoming response to the May 13, 2003 Office Action presented all of Applicants' evidence that  $\alpha$ -starch is a known, art-recognized term, the Examiners would give it favorable consideration.

No agreement was reached with respect to the prior art rejections. Applicants argued that McPherson et al. (U.S. Patent No. 6,405,677): (a) teaches away from the claimed invention by proposing the use of unmodified starch and (b) discloses the use of starch to hold interparticles together whereas the claimed invention uses starch in the skin layer to hold each particle together. Applicants will traverse the rejection based on Chikazawa with respect to all claims, and argued that (a) this reference discloses litter particles that are made entirely of native starch and (b) the native starch may be gelatinized *in situ* after the particle is made (i.e., Chikazawa does not disclose the use of pre-gelatinized starch in its litter particles).

The Examiners agreed to give careful consideration to the above arguments in conjunction with the claim language that will be presented in Applicants' forthcoming response to the May 13, 2003 Office Action.



Conclusion

Applicants thank the Examiners for the courtesy of the telephonic interview and the efficiency with which it was conducted.

If there are any other issues remaining, which the Examiner believes could be resolved through either the Applicants' forthcoming response to the May 13, 2003 Office Action or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Dated: August 6, 2003

By: Dianna Goldenson  
Dianna Goldenson  
Reg. No. 52,949  
Attorney for Applicants

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